Drawing Amendments

There are no amendments to the drawings.

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Remarks

The Office Action of 09/21/2007 rejected claims 2-6 and 16-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 20020159574 of S. Stogel (hereafter referred to as Stogel) in view of U.S. Patent 6,975,712 of C. Schnarel et al. (hereafter referred to as Schnarel) and further in view of U.S. Patent Application Publication No. 20030214519, of K.C. Smith, et al. (hereafter referred to as Smith). Also, the Office Action rejected claims 7 and 21 under 35 U.S.C. §103(a) as being unpatentable over Stogel in view of Schnarel and Smith and further in view of U.S. Patent 6,192,341, of C.H. Becker, et al. (hereafter referred to as Becker). Further, the Office Action rejected claims 8-11, 13-14, 22-25, and 27-28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,661,779, of C.E. Johnson, et al. (hereafter referred to as Johnson) in view of Schnarel and Smith. Finally, the Office Action rejected claims 12 and 26 under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of Schnarel and Smith and further in view of Becker. Claims 2 and 16 are being amended. Claims 8-14, 22-28, 37, and 38 are being canceled.

Rejection of claims 2-6 and 16-20 under 35 U.S.C. §103(a) over Stogel in view of Schnarel and Smith

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To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Additionally, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). This requirement is intended to prevent unacceptable "hindsight reconstruction" where applicant's invention is re-created from references using the application as a blueprint. The Applicants respectfully assert that the first and second criteria has not been meant and that the third criteria also has not been meant since the combination of Stogel, Schnarel, and Smith fail to teach or suggest each limitation of the Applicants' claimed invention.

Consider whether the first criteria is meant. Amended claim 2 recites:

> A method for providing telecommunication terminal status information as enhanced telecommunication terminal status information, comprising:
>
> receiving telecommunication terminal status information by a telecommunication terminal via a network;
>
> establishing direct communication with the telecommunication terminal via the network by a computer

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controlling a visual display separate from the telecommunication terminal;

directly accessing the telecommunication terminal status information from telecommunication terminal by the computer via the network;

emphasizing the accessed telecommunication terminal status information using visual enhancement; and

displaying the emphasized visual telecommunication terminal status information on the visual display to a user of the telecommunication terminal having at least one of poor visual acuity and poor hearing.

With respect to the first criteria, applicants will now comment on the proprietary of combining the references in the manner performed in the Office Action. This rejection is hindsight reconstruction were the Office Action is using the application as a blueprint to find parts of the claimed invention in one or more references. Hindsight reconstruction has long been frowned upon:

> A rejection based on section 103 clearly must rest on factual basis, and these facts must be interpreted without hindsight reconstruction of the invention from the prior art. In making this evaluation, all facts must be considered. The Patent Office has the initial duty of supplying the factual basis for this rejection. It may not, because it may doubt that the invention is patentable, resort to speculation, unfounded assumptions or **hindsight reconstruction** to supply deficiencies in its factual basis. In re Warner, 379 A.2d 1011, 1017, 154 USPQ 173, 178 (CCPA 1967) cert. denied, 389 U.S. 1057 (1968) (emphasis in original).

Clearly, the Office Action engaged in hindsight reconstruction in applying the disclosure of Stogel to amended claim 2. One of ordinary skill in the art would not have anticipated the utilization of the system of Stogel as set forth in the Office Action. The Office Action states that the telecommunication terminal of amended claim 2 is equivalent to

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the combination of device 100 and a telephone (e.g. 133). The Office Action then equates the computer of amended claim 2 with server 141. The Office Action then finds that the steps of receiving, establishing, accessing, and displaying are performed by the combination of device 100 and telephone 133 along with server 141.

First, the step of displaying clearly states that the information is displayed to the user of the telecommunication terminal. One skilled in the art being presented with the fact that device 100 and telephone 133 can be an integral unit would not envision displaying the status information on server 141. Rather, one skilled in the art would utilize display 117 of device 100 since Stogel clearly teaches that call status information is displayed on display 117 in Paragraph [0047]. In addition, one skilled in the art would immediately recognize that since the call status information is to be displayed to the user of the telecommunication terminal that display 117 is physically part of the combination of the combination of device 100 and telephone 133. Hence, one skilled in the art would utilize display 117 to display the call status information to the user. Therefore, absent the teaching of amended claim 2, there is no reason why one skilled in the art would utilize the display of server 141 which in all likelihood is remote from the user versus utilizing display 117 which is located with the user when device 100 and telephone 133 are combined. Finally, there is nothing in the disclosures of Schnarel or Smith that would guide one

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skilled in the art to utilize of the display of server 141 rather than display 117.

Applicants respectfully submit that the rejection of the Office Action does not meet the first criteria for a rejection under 35 U.S.C. §103 (a).

With respect to the second criteria, this criteria requires a reasonable expectation of success. Since as was previously noted, server 141 is most likely remote from a telecommunication terminal incorporating unit 100 and telephone 133, a user of such a telecommunication terminal would have little use for call status information being displayed on server 141. In addition, since there is only one server 141, the utilization of server 141 to display call status information for a telecommunication terminal would limit its use to only one telecommunication terminal which would be of little use in anything but a single telephone system.

Applicants respectfully submit that the rejection of the Office Action does not meet the second criteria for a rejection under 35 U.S.C. §103 (a).

With respect to the third criteria, Stogel does not disclose or suggest the step of establishing of amended claim 2. In amended claim 2, the step of receiving recites "receiving telecommunication terminal status information by a telecommunication terminal via a network", and the step of establishing recites "establishing direct communication with the telecommunication terminal via the network by a computer...."

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Clearly, amended claim 2 recites that the computer establishes the direct communication with the telecommunication terminal via the same network over which the telecommunication terminal receives status information.

However, Stogel discloses that a telecommunication terminal which is the combination of device 100 and telephone 133 receives call status information from SSP 151 via elements 107, 131, and 185. Server 141 interconnects to device 100 via LAN 139. Hence, server 141 does not utilize the same network to receive call status information from device 100 that device 100 utilizes to get that information. Hence, Stogel does not disclose or suggest the step of establishing as recited in amended claim 2.

Further with respect to the third criteria, Stogel does not teach the "step of displaying...status information....to a user of the telecommunication terminal" since server 141 is most likely remote from the telecommunication terminal comprising telephone 133 and device 100.

It is clear that the rejection under 35 U.S.C. §103 (a) based on Stogel, Schnarel, and Smith does not meet the third criteria since Stogel, Schnarel, and Smith do not singularly or in combination disclose the steps of establishing, accessing, emphasizing, and displaying, as recited in amended claim 2.

Dependent claims 3-6 are directly dependent on amended claim 2 and is patentable for at least the same reasons as amended claim 2.

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Claim 16 and dependent claims 17-20 are patentable for at least the same reasons as amended claim 2 and claims 3-6.

Rejection of claims 7 and 21 under 35 U.S.C. §103(a) over Stogel in view of Schnarel and Smith and further in view of Becker

Dependent claim 7 is directly or indirectly dependent on independent amended claim 2, as amended. Independent amended claim 2 is patentable over the cited references since independent amended claim 2 has already been shown to be patentable over Stogel in view Schnarel and Smith under 35 U.S.C. §103(a). The Office Action only cited Becker to "expressly address the situation of users with low visual acuity." Hence, independent amended claim 2 is patentable over the cited references. Dependent claim 7 is patentable over the cited references for at least the same reasons as independent claim 2, as amended.

Dependent claim 21 is directly dependent on independent claim 16, as amended. Dependent claim 21 is patentable for similar reasons as dependent claim 7 since amended claim 16 is patentable over the cited references for the same reasons as amended claim 2.

Summary

In view of the foregoing, applicants respectfully request consideration of amended claims 2 and 16, reconsideration of the remaining claims, as presently in the application, and allowance of these claims.

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Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner believes that a telephone interview would advance the prosecution, the Examiner is invited to call applicants' attorney at the telephone number listed below.

Respectfully,

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